



California Fair Political Practices Commission

October 26, 1989

Gary Kunkel
Committee to Elect Gary S. Kunkel
to San Luis Obispo City Council
P.O. Box 3135
San Luis Obispo, CA 93403

Re: Your Request for Advice
Our File No. I-89-598

Dear Mr. Kunkel:

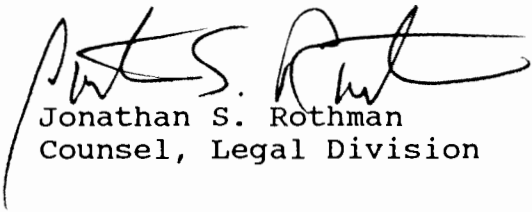
We acknowledge receipt of your letter in which you seek advice from the Commission concerning a provision of the San Luis Obispo City Election Campaign Regulation, No. 2.40.050.C.6.

The Commission is authorized by statute to provide advice concerning a person's obligations under the Political Reform Act (Government Code Section 83114(b)).¹ We have no jurisdiction with respect to, and cannot provide interpretations of, local ordinances. We suggest that you contact your city attorney for advice concerning this or any other of the city's regulations.

I am sorry that we cannot be of any further assistance to you on this matter.

Sincerely,

Kathryn E. Donovan
General Counsel

By: 
Jonathan S. Rothman
Counsel, Legal Division

KED:JSR:plh

¹ Government Code Sections 81000-91015.

COMMITTEE TO ELECT GARY S. KUNKEL TO SAN LUIS OBISPO CITY COUNCIL
P.O. BOX 3135, SAN LUIS OBISPO, CALIFORNIA 93403 (805) 543-5480

Enforcement Division
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

OCT 18 12:28 AM '88

FPPC

Subject: Request for ruling concerning Legality/Fairness of San Luis Obispo City, Election Campaign Regulation 2.40.050.C.6.

Dear Enforcement Division:

The San Luis Obispo City Election Campaign Regulations 2.40.050.C6 states in part: "No person shall make or accept any contribution in excess of ten dollars after five p.m., Tuesday, seven days preceding the day of election,...."

This provision is in clear violation of the stated "Purpose and Intent" of the regulation: "To promote integrity, honesty and fairness in municipal election campaigns".

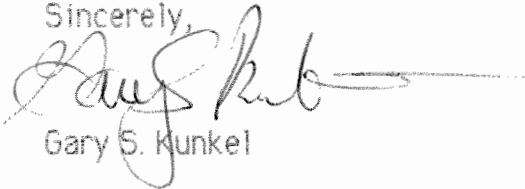
The obvious result of this provision is that it handicaps a challenger, such as myself, during the most critical part of the campaign. Other candidates, that are associated with established political organizations, simply file their nomination papers, push a few buttons, and out comes a large amount of money to run their campaigns. In contrast, an independent candidate, such as myself, will become most popular after the public forums, during the last two weeks of the campaign. In past elections, highly qualified candidates have even had to return donation checks that were dated before the cut-off date, because they arrived in the mail after the cut-off date. This obviously amplifies the power of special-interest groups while it handicaps the campaigns of independent candidates.

Another significant point, is that the \$10.00 amount is an arbitrarily low amount. It is far below the disclosure amount that requires disclosure of "the name, address, and amount of the contribution for each person contributing \$25 or more." If the purpose of the "seven-day" cutoff is only to allow ample time for voter review of contributor lists, then why \$10.00, why not \$24.99. For example, if some one can donate \$15, \$20, or \$24.99 before the last week without having to give their name, address, etc., why should the same person be denied that right after the seven-day cut-off period. It doesn't make sense to me, unless the regulation was purposely designed to handicap independent challengers, such as myself.

My last point is that the seven-day cut-off period, corresponding to a filing requirement date, seems somewhat arbitrary. Instead of Tuesday why not make filing requirements on Friday @ 12:00. This would still give ample time before the election for disclosure information to be published by the news media or by any other interested person(s). It would also give candidates a greater opportunity to use more radio, TV, and newspaper advertisement during the last and most crucial week of the campaign.

In conclusion, the \$10.00/seven-day limitation is unfair, and it violates principles of fair/equal representation for all citizens. Since I am considering accepting at least one donation over \$10.00, (In order to challenge this ordinance in court, if need be.), please make a ruling concerning the legality of this ordinance as soon as possible. Also it is my hope that you will address the issue in a timely manner so that I can get on with the important tasks at hand.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary S. Kunkel", with a long horizontal flourish extending to the right.

Gary S. Kunkel

P.S. Please feel free to call me for more information and/or details.

COMMITTEE TO ELECT GARY S. KUNKEL TO SAN LUIS OBISPO CITY COUNCIL
P.O. BOX 3135, SAN LUIS OBISPO, CALIFORNIA 93403 (805) 543-5480

Secretary of State
Political Reform Division
1230 J. Street
Sacramento, CA 95814

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89-598
JR

Oct 24 10:10 PM '89

F P P C

Oct 24 10:59 AM '89

F P P C

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